

REMARKS

The Advisory Action dated May 5, 2008 and the Final Office Action dated January 31, 2008, have been received and reviewed. Claims 1-11 are currently pending in the application. Claims 1-4 are allowed. Claims 5-11 stand rejected. Applicant has amended claims 5-7 and 9 and respectfully requests reconsideration of the application as amended herein. Support for Applicant's amendments is found in at least paragraph [1114] of Applicant's as filed specification. No new matter has been added.

35 U.S.C. § 102 Anticipation Rejections

Anticipation Rejection Based on Nguyen (US 2007/0214482).

Claims 5-11 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application No. 2007/0214482 to Nguyen ("Nguyen").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicant respectfully submits that claims 5-11 **cannot** be anticipated by Nguyen because the reference does not disclose all the claim limitations of the presently claimed invention as set forth above. Generally, Applicant's invention as claimed in independent claims 5 and 7 recites, in part, "*periodically receiving one of a plurality of session description protocol (SDP) messages in a content stream of a broadcast session on a broadcast channel, wherein the SDP messages provide ongoing information for decoding payload data of the broadcast session*". In contrast, Nguyen clearly discloses a single SDP message for each broadcast session. Furthermore Nguyen clearly discloses that the

single SDP message includes parameters for presenting the broadcast session and therefore the SDP message is necessarily received prior to the broadcast content and not “in the content stream” as claimed by Applicant.

Specifically, Nguyen discloses:

In one embodiment, the SDP file includes information about the selected media event where the media generation system 200 includes software for parsing the *SDP file to determine how to generate the media event*. The *SDP file may also include information about how to present the media event* in the media viewer 530. (Nguyen, [0026], lines 12-18; emphasis added).

... a URL *request that returns [1] the header for video/mpeg media content* (thus indicating a media event has been selected), *[2] data in the format of a Session Description Protocol (“SDP”) file* is also received from the correspond[ing] link and protocol file source. The *SDP file indicates parameters for the video session* (layer), i.e., the media event to be presented via the media viewer 530 (FIG. 10). These *parameters include the channel number to be selected* by the front end 202, the size of the video layer within the HTML layer, and the location of the video layer within the HTML layer. (Nguyen, [0048], lines 10-20; emphasis added).

Clearly, Nguyen discloses that the receipt/transmission of the SDP file/message is a one-time per session occurrence since Nguyen’s SDP file/message is initiated by “a URL request” and includes information (e.g., channel number to be selected) that is required prior to streaming any content.

Therefore, since Nguyen does not disclose “*periodically receiving one of a plurality of session description protocol (SDP) messages in a content stream of a broadcast session* on a broadcast channel, wherein *the SDP messages provide ongoing information for decoding payload data of the broadcast session*” as claimed by Applicant, Nguyen cannot anticipate Applicant’s invention as presently claimed. Accordingly, Applicant respectfully asserts that since Nguyen does not disclose all of the limitations of Applicant’s invention as claimed, Nguyen cannot anticipate under 35 U.S.C. § 102 Applicant’s invention as claimed in independent claims 5 and 7 and claims 6 and 8-11 depending therefrom. Therefore, Applicant respectfully requests that the rejections be withdrawn.

Allowable Subject Matter

Applicant respectfully acknowledges the allowance of claims 1-4.

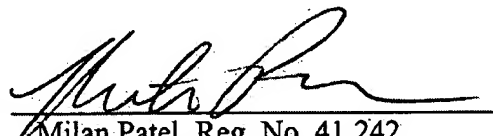
CONCLUSION

Claims 1-11 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,

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